

Warrant & Finance Committee Recommendations

Special Town Meeting

May 15, 2023

Article 1: Unpaid Bills. To see what sum the Town will vote to appropriate for the payment of certain unpaid bills for previous years, or take any other action thereon.

We recommend that the Town vote to appropriate sums for the payment of certain unpaid bills for previous years, as follows:

<u>Amount</u>	<u>From</u>	<u>To</u>
\$40	POLICE – General Office Supplies	Staples
\$103	POLICE – General Office Supplies	Amazon
\$589	LEGAL COUNSEL – Legal Services	Murphy, Hesse, Toomey, & Lehane
\$1,861	VETERANS SERVICES – General Office Supplies	Amazon
\$435	DPW – Oil	Certified Laboratories
\$17	DPW – Other Auto Supplies	Danvers Motor Company
\$10,802	DPW – Gasoline Unleaded	Dennis K. Burke

Article 2: Budget Transfers – Fiscal Year 2023. To see if the Town will vote to amend the actions taken under Article 2 of the May 16, 2022 Annual Town Meeting by adding certain appropriations or by reducing certain appropriations, by transfer among accounts, by transfer from prior appropriations under articles, or from available funds, or take any other action thereon.

We recommend that the Town vote to amend the vote taken under Article 2 of the May 16, 2022 Annual Town Meeting by increasing certain appropriations, or by reducing certain appropriations, by transfer among accounts, by transfer from prior appropriations under articles, or from available funds as follows:

<u>Amount</u>	<u>From</u>	<u>To</u>
\$35,000	POLICE – Personnel	POLICE – Capital Outlay
\$13,750	DPW – Personnel	DPW – Capital Outlay
\$75,000	WATER – Personnel	WATER – Operating
\$75,000	WATER – Retained Earnings	WATER – Operating
\$55,000	WATER – Retained Earnings	WATER – Capital Outlay
\$25,000	SEWER – Retained Earnings	SEWER – Capital Outlay
\$12,000	DEBT – Interest	ACCOUNTING – Personnel

Article 3: State Public Works Grant. To see what sum the Town will vote to appropriate for public works projects, such sum to be reimbursed by the State Transportation Bond Bill, or take any other action thereon.

*We recommend that the Town vote to appropriate the sum of **\$877,025** for public works projects, such sum to be reimbursed by the State Transportation Bond Bill.*

Article 4: Special Education Supplemental Appropriation. To see what sum the Town will vote to appropriate toward the School Department budget, or take any other action thereon.

*We recommend that the Town vote to appropriate **\$1,750,000** from **Free Cash** toward the School Department budget for the Special Education supplemental appropriation.*

Article 5: Refuse and Recycling Carts: To see what sum the Town will vote to appropriate for the purchase of refuse and recycling carts, and to determine whether this appropriation should be raised by borrowing or otherwise, or take any other action thereon.

*We recommend that the Town vote to appropriate **\$980,000** from **Free Cash** for the purchase of refuse and recycling carts. We further recommend that the Town Manager explore options to recover the cost of said carts from households.*

Article 6: Planning Board Performance Guarantee, To see if the Town will vote to accept the provisions of the twelfth (second last) paragraph of Chapter 41, Section 81U of the Massachusetts General Laws, which would allow the Town to expend the proceeds of bonds or deposits held to secure the construction of ways and the installation of municipal services in subdivisions; and, further, to see what sum of money the Town will vote to appropriate for the purpose of completion of construction of ways and installation of municipal services in the Hilltop Estates Hill subdivision. Said appropriation shall be from the money deposited with the Town by the developer to secure performance of said work; or take any other action thereon.

We recommend that the Town vote to accept the provisions of the twelfth (second last) paragraph of Chapter 41, Section 81U of the Massachusetts General Laws, which would allow the Town to expend the proceeds of bonds (\$266,000) or deposits held to secure the construction of ways and the installation of municipal services in subdivisions; and, further, to see what sum of money the Town will vote to appropriate for the purpose of completion of construction of ways and installation of municipal services in the Hilltop Estates Hill subdivision. Said appropriation shall be from the money deposited with the Town by the developer to secure performance of said work.

Finance Committee

/s/ C.R. Lyons

C.R. Lyons, Chair

/s/ Eric Mitchell

Eric Mitchell, Vice-Chair

/s/ Theodore A. Blake

Theodore A. Blake

/s/ Paul Pawlak, Jr.

Paul Pawlak, Jr.

/s/ Michael R. Landers

Michael R. Landers

/s/ Arthur P. Skarmeas

Arthur P. Skarmeas

/s/ Erin E. MacLachlan

Erin E. MacLachlan

/s/ Walter H. Tipert III

Walter H. Tipert III

Warrant & Finance Committee Recommendations
Annual Town Meeting
May 15, 2023

Article 1: Election of Officers. To choose such officers as are required by law to be chosen in the months of April, May, and June annually, if they have not been elected by written ballot at the annual election, or take any other action thereon.

No action is required.

Article 2: Budget – Fiscal Year 2024. To determine what sums of money the Town will vote to appropriate to defray the charges and expenses of the Town for Fiscal Year 2024, and to determine whether the money so appropriated shall be provided by taxation, by appropriation from available funds or by borrowing, or take any other action thereon.

We recommend that the Town vote to appropriate sum of money as set forth on the following pages to defray the charges and expenses of the Town for Fiscal Year 2024.

Article 3: Electric Division Budget. To see if the Town will vote to appropriate, for the Electric Division, the income from the sale of electricity to private consumers, electricity supplied to municipal buildings for municipal power, electricity supplied for street lights, and jobbing during the current fiscal year, the whole to be expended under the direction and control of the Town Manager, for the expense of the plant for said Fiscal Year 2024, as defined by § 57 of Chapter 164 of M.G.L., and to determine whether said income shall exceed said expenses for said Fiscal Year, or take any other action thereon.

We recommend that the Town vote to appropriate, for the Electric Division, the income from the sale of electricity to private consumers, electricity supplied to municipal buildings for municipal power, electricity supplied for street lights, and jobbing during the current fiscal year, the whole to be expended under the direction and control of the Town Manager, for the expense of the plant for said Fiscal Year 2024, as defined by § 57 of Chapter 164 of M.G.L., and to determine whether said income shall exceed said expenses for said Fiscal Year.

Article 4: Essex North Shore Agricultural & Technical School District Assessment. To see what sum the Town will vote to appropriate for the payment of the assessment certified by the Essex North Shore Agricultural & Technical School District, or take any other action thereon.

We recommend that the Town vote to appropriate \$4,217,492 from taxation for the payment of the assessment certified by the Essex North Shore Agricultural & Technical School District.

Article 5: Authorization of Collector of Taxes to Act. To see if the Town will vote to authorize the Collector of Taxes to use all means of collecting taxes which a Town Treasurer may use when appointed Collector of Taxes, permissible under the statutes of the Commonwealth of Massachusetts, or take any other action thereon.

We recommend that the Town vote to authorize the Collector of Taxes to use all means of collecting taxes which a Town Treasurer may use when appointed Collector of Taxes, permissible under the statutes of the Commonwealth of Massachusetts.

Article 6: Committee Reports. To see if the Town will vote to hear, consider, and accept the reports of the Town boards, commissions, officers, committees, or take any other action thereon.

We recommend that the Town vote to vote to hear, consider, and accept the reports of the Town boards, commissions, officers, and committees.

Article 7: Wireless Telecommunications Bylaw in Public Rights of Way. To see if the Town will vote to adopt the proposed Chapter XLIII to the Town's By-laws, as follows, and regulate the siting and location of Small Cell 5G wireless facilities, or take any other action thereon.

We recommend that the Town vote to adopt the proposed Chapter XLIII to the Town's By-laws, as follows, and regulate the siting and location of Small Cell 5G wireless facilities.

CHAPTER XLIII

WIRELESS TELECOMMUNICATIONS BYLAW IN PUBLIC RIGHTS OF WAY

Section 1: PURPOSE AND INTENT

1.1 The wireless telecommunications industry has expressed interest in placing antennas and associated equipment on new or existing structures in the Town's public rights-of-way for deployment of "small cell" wireless telecommunications facilities (hereinafter "small cell wireless facilities").

1.2 The deployment of small cell wireless facilities may have both positive and negative impacts on our community. Multiple small cell wireless facilities within the public right-of-way can impact property values; pose a threat to the public health, safety and welfare; create traffic and pedestrian safety hazards; impact

trees where proximity conflicts may require trimming of branches or require removal of roots; create visual and aesthetic blights and potential safety concerns from excessive size, height, weight, noise or lack of camouflaging which negatively impact the quality and character of the Town.

Section 2: APPLICABILITY

- 2.1 This chapter shall apply to all small cell wireless facilities and collocated small cell wireless facilities in the Town and shall not apply to any Exempted Telecommunications Facility or Major Telecommunications Facility. The following requirements and regulations shall apply to only small cell wireless facilities installed by private utility companies and not Danvers Electric or the Town of Danvers.

Section 3: GENERAL REQUIREMENTS

- 3.1 All installations shall be designed to minimize adverse visual impacts on the surrounding area and nearby residential properties.
- 3.2 Small cell wireless facilities shall be sited to minimize visibility from abutting streets and nearby homes and buildings and to reduce the need to remove or alter existing vegetation.
- 3.3 Small cell wireless facilities shall be screened and/or camouflaged to reduce their visual and aesthetic impacts on the surrounding neighborhood. Stealth designs shall be incorporated where appropriate.
- 3.4 Collocation is preferred to the installation of a new freestanding support structure, except when a collocation will provide greater adverse visual or other impacts than the installation of a new freestanding structure. All new support structures shall not exceed a height of 50 feet and, where appropriate, shall be designed and constructed in a manner that accommodates multiple small cell wireless facilities, and users, including multiple wireless communication companies, in order to minimize the number of new freestanding structures.
- 3.5 New freestanding support structures shall be setback from the nearest residential dwelling by a minimum distance equal to the height of the facility. New freestanding support structures including and not limited to poles shall be limited to a maximum of height of fifty (50) feet.
- 3.6 Small cell wireless facilities shall not be permitted within five hundred (500) feet of a public school.
- 3.7 All structures and/or small cell wireless facility equipment installed for providing wireless communication services shall be removed within six (6) months of cessation of use at the owner's expense. If the Applicant fails to remove the structures and/or small cell wireless facility equipment as required by this Section 3.7, the Town may remove or cause to remove the Applicant's structures and/or equipment without liability and at the Applicant's sole expense.

Section 4: LOCATION AND CONFIGURATION PREFERENCES

- 4.1 Siting Guidelines. The purpose of this section is to provide guidelines to Applicants regarding the preferred locations and configurations for small cell wireless facilities in the Town, provided that nothing in this section shall be construed to permit a small cell wireless facility in any location that is otherwise prohibited by this bylaw or any other section of the Town General Bylaw.
- 4.2 Preference for configuration of small cell wireless facilities, from most- preferred to least- preferred. Configuration preferences are:
- (1) Collocated with existing wireless facilities,
 - (2) Mounted on existing utility poles and towers that are used to serve only secondary electric lines or wires (<600 Volt Line-to-Line) or for guying purposes,

- (3) Mounted on existing utility poles and towers which already serve primary electric lines or wires (>600 Volt Line-to-Line),
- (4) Mounted on new poles.

Considerations include the structural integrity of existing utility poles, the ability of the pole owner(s) to accommodate the wireless facilities, as well as the visual impacts on the surrounding area. Collocated equipment may not be preferred when the installation results in an unfair aesthetic burden on some residents or neighborhoods, and/or new poles that are bigger, heavier and more obtrusive than existing poles and would have a negative visual impact on the surrounding area.

Section 5: PERMITTING PROCESS

- 5.1 Permit Required. No small cell wireless facility shall be constructed, erected, modified, mounted, attached, operated or maintained within any public right-of-way without the issuance of a permit granted by the Danvers Select Board (DSB), after notice and a public hearing. No approval granted under this chapter shall confer any exclusive right, privilege, license or franchise to occupy or use the public right-of-way of the Town for delivery of telecommunications services or any other purpose.
- 5.2 Application Content. All permit applications must include:
- A. Detailed site, design, engineering plans and specifications for each proposed small cell wireless facility, including all associated equipment necessary for its operation;
 - B. A master plan showing the geographic service area for the proposed small cell wireless facilities, and all of Applicant's existing, proposed and anticipated small cell wireless facilities in the Town;
 - C. Photographs of proposed small cell wireless facility equipment;
 - D. Visual impact analyses with photo simulations;
 - E. Certification by a certified radio-frequency engineer that the small cell wireless facility will be in compliance with the FCC standards for RF emissions as they relate to the general public, including aggregate emissions for all collocated equipment;
 - F. Documentation demonstrating a good faith effort to locate the small cell wireless facility in accordance with the preferred provisions of Section 4 and that the proposed location minimizes the health, safety, and visual impacts to the community;
 - G. Mailing expenses associated with the Town providing written notice of the proposed small cell wireless facility to owners of all properties within 500 feet of the proposed installation;
 - H. An executed indemnification agreement as set forth in section 5.6 hereof.
- 5.3 Application Fee. The Town shall assess a per-installation fee to cover the Town's costs of processing, reviewing, evaluating, conducting a public hearing, and other activities involved in consideration of the application, and conducting oversight of the construction of the small cell wireless facility to ensure compliance with zoning requirements.
- 5.4 Consultant Fee. The Town shall have the right to retain an independent technical consultant to assist the Town in its review of the application. Except to the extent expressly prohibited by law, the reasonable cost of the review shall be paid by the Applicant.
- 5.5 Additional Information. The Town may request any additional information as necessary to evaluate the application.
- 5.6 Notice. At applicant's sole cost and expense, the Town shall provide written notice of the time and place of the hearing to the owners of all properties within 500 feet of a proposed wireless facility, as determined by the last preceding assessment for taxation. Such notice shall be mailed at least seven (7) days prior thereto.

5.7 Compliance Bond. Upon approval of the application, the Applicant shall be required to post a bond for each small cell wireless facility, such bond to be held and maintained during the entire period of Permittee's operation of each small cell wireless facility in the Town as a guarantee that no such installation, including any co-located equipment, exceeds or will exceed the allowable FCC limits for RF radiation exposure to the general public as determined by a qualified independent RF engineer.

5.8 Indemnification. The Applicant shall provide an executed agreement in the form provided by the Town, pursuant to which the Applicant agrees to defend, hold harmless and fully indemnify the Town, its officers, employees, agents, attorneys, and volunteers, from (i) any claim, action or proceeding brought against the Town or its officers, employees, agents, or attorneys to attack, set aside, void, or annul any such approval of the Town or (ii) a successful legal action brought against the Town for loss of property value or other harm caused by the placement or operation of a small cell wireless facility. This indemnification agreement shall be in a form acceptable to the Town Attorney and shall include, but not be limited to, damages, fees and/or costs awarded against the Town, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the Permittee, the Town and/or the parties initiating or bringing such proceeding. The agreement shall also include a provision obligating the Applicant to indemnify the Town for all the Town's costs, fees and damages which the Town incurs in enforcing the indemnification provisions of this Section.

5.9 Regulations. The Board of Selectmen shall have the authority to adopt regulations and policy guidelines to implement the provisions of this bylaw.

Section 6: INSTALLATION SPECIFICATIONS

6.1 The Applicant shall construct, install and operate the small cell wireless facility in strict compliance with the plans and specifications approved by the DSB.

6.2 Where feasible, as new technology becomes available, the Applicant shall replace larger, more visually intrusive facilities with smaller, less visually intrusive facilities, after receiving all necessary permits and approvals required by the Town.

6.3 The Applicant shall submit and maintain current at all times basic contact and site information on a form to be supplied by the Town. The Permittee shall notify the Town of any changes to the information submitted within seven days of any change, including the name or legal status of the owner or operator.

6.4 At all times, all required notices and signs shall be posted on the site as required by the FCC and state law, and as approved by the Town. The location and dimensions of a sign bearing the emergency contact name and telephone numbers shall be posted pursuant to the approved plans.

6.5 The Applicant shall maintain current at all times liability and property insurance for each small cell wireless facility in the Public Right of Way in the amount of \$2,000,000 (Two Million dollars) naming the Town as additional insureds.

6.6 The small cell wireless facility shall have an adequate fall zone to minimize the possibility of damage or injury resulting from pole collapse or failure, ice fall or debris fall, and to avoid or minimize all other impacts upon adjoining properties.

6.7 Every effort shall be made to locate small cell wireless facilities no less than five hundred (500) feet away from the nearest other small cell wireless facility, regardless of whether such small cell wireless facility will be owned by the Applicant or a third party.

6.8 If a single or collocated small cell wireless facility is mounted on an existing structure such as a utility or lighting pole it must be verified that such structure can support its weight and the weight of any existing collocated equipment. All new wires needed to service the small cell wireless facility must be located within the width of the existing structure so as to not exceed the diameter and height of the existing utility pole.

6.9 A single or collocated small cell wireless facility may be mounted to existing utility poles and towers

which already serve primary electric lines or wires (>600 Volt Line-to-Line) only with direct written permission from Danvers Electric.

6.10 All equipment not to be installed on or inside the pole must be located underground, flush to the ground, within three (3) feet of the utility pole. Each small cell wireless facility is to have its own dedicated power source to be installed and metered separately.

Section: DEFINITIONS

"Applicant" means the telecommunications provider seeking permission to install small cell wireless facilities in the Town pursuant to this by-law. For purposes of this by-law, the term, "Applicant" also refers to a telecommunications provider who has been granted a permit as provided herein.

"Collocated Small Cell Installation" means a single telecommunication tower, pole, mast, cable, wire or other structure supporting multiple antennas, dishes, transmitters, repeaters, or similar devices owned or used by more than one public or private entity.

"Exempted Telecommunications Facility" includes, but is not limited to:

- a. A single ground or building mounted receive-only radio or television antenna including any mast, for the sole use of the tenant occupying the residential parcel on which the radio or television antenna is located; with an antenna height not exceeding twenty-five feet;
- b. A ground or building mounted citizens band radio antenna, including any mast, if the height (post and antenna) does not exceed thirty-five feet;
- c. A ground, building, or tower mounted antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service, if the height (post and antenna) does not exceed thirty-five feet;
- d. A ground or building mounted receive-only radio or television satellite dish antenna, which does not exceed thirty-six inches in diameter, for the sole use of the resident occupying a residential parcel on which the satellite dish is located; provided the height of said dish does not exceed the height of the ridgeline of the primary structure on said parcel.
- e. Mobile services providing public information coverage of news events of a temporary nature.
- f. Hand-held devices such as cell phones, business-band mobile radios, walkie-talkies, cordless telephones, garage door openers and similar personal-use devices.
- g. Government-owned and operated receive and/or transmit telemetry station antennas for supervisory control and data acquisition (SCADA) systems for water, flood alert, traffic control devices and signals, storm water, pump stations and/or irrigation systems, with heights not exceeding thirty-five feet.
- h. Town-owned and operated antennae used for emergency response services, public utilities, operations and maintenance if the height does not exceed seventy (70) feet.
- i. Telecommunication facilities less than fifty feet in height, in compliance with the applicable sections of this chapter, located on a parcel owned by the Town and utilized for public and/or quasi-public uses where it is found by the Town Board to be compatible with the existing uses of the property and serving the public interest.
- j. Telecommunication facilities, including multiple antennas, in compliance with the applicable sections of this chapter, located on an industrial parcel and utilized for the sole use and purpose of a research and development tenant of said parcel, where it is found by the planning director to be aesthetically compatible with the existing and surrounding structures.

"Major Telecommunications Facility" means telecommunication towers, poles or similar structures greater than 50 feet in height, including accessory equipment such as transmitters, repeaters, microwave dishes,

horns, and other types of equipment for the transmission or receipt of such signals, as well as support structures, equipment buildings and parking areas.

“Public Right of Way” means the area on, below, or above property that has been designated for use as or is used for a public roadway, highway, street, sidewalk, alley or similar purpose, and for purposes of this Chapter shall include Public Utility Easements, but only to the extent the Town has the authority to permit use of the area for this purpose. The term does not include a federal interstate highway or other areas that are not within the legal jurisdiction, ownership or control of the Town.

“Small Cell Wireless Facilities” shall have the same meaning as **“Small Wireless Facilities”** set forth by the Federal Communications Commission (“FCC”), and shall include all equipment required for the operation and maintenance of a "small cell" wireless communications systems that transmit and/or receive signals but are not "Major Telecommunications Facilities," including but not limited to antennas, microwave dishes, power supplies, transformers, electronics, accessory equipment cabinets, and other types of equipment attached to existing structures and associated accessory structures required for the transmission or receipt of such signals.

In the FCC Order, the FCC defined **“Small Wireless Facilities,”** as those facilities that meet the following conditions:

- (1) The structure on which antenna facilities are mounted—
 - (i) is 50 feet or less in height, or
 - (ii) is no more than 10 percent taller than other adjacent structures, or
 - (iii) is not extended to a height of more than 50 feet or by more than 10 percent above its preexisting height as a result of the collocation of new antenna facilities; and
- (2) Each antenna associated with the deployment (excluding the associated equipment) is no more than three cubic feet in volume; and
- (3) All antenna equipment associated with the facility (excluding antennas) are cumulatively no more than 28 cubic feet in volume; and
- (4) The facility does not require antenna structure registration under part 17 of this chapter; and
- (5) The facility is not located on Tribal lands, as defined under 36 CFR 800.16(x); and
- (6) The facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in Rule 1.1307(b).

Article 8: Citizen Petition – Recall Provisions. To see if the Town will vote to authorize the Select Board to petition the General Court to enact special legislation, as set forth below, relating to the establishment of recall election provisions in the Town of Danvers; and, further, to authorize the Select Board to take all actions necessary to accomplish the purposes of this Article; provided that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of the petition, or take any other action thereon. [reprinted as submitted by Michael Trainor]

We recommend no action.

AN ACT RELATIVE TO RECALL ELECTIONS IN THE TOWN OF DANVERS

Be it enacted by the Senate and House of Representatives in General Court Assembled, and by the authority of the same, as follows:

Section 1. A person who holds a town wide elected office in the Town of Danvers (select board, school committee, town moderator, housing authority, and library trustees), with more than six months

remaining in the term of that office on the date of the filing of a recall affidavit, referred to in Section 2, may be recalled from office by the registered voters of the Town of Danvers, in the manner herein provided.

Section 2. Three hundred and fifty or more registered voters of the town may file an affidavit with the town clerk containing the name of the office sought to be recalled and a statement of the grounds for recall. The town clerk shall thereupon provide to the voters copies of printed form petition blanks addressed to the respective board demanding the recall. The blanks shall be issued under the signature and official seal of the town clerk. They shall be dated and shall contain the names of all persons to whom they are issued, the name of the person whose recall is sought, and the grounds of recall as stated in the affidavit; provided, however, that the vote of an elected official on a matter, other than in connection with a conflict-of-interest violation, shall not constitute valid grounds for recall; and provided further that the voters themselves shall individually determine whether any other grounds listed for recall are sufficient. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk.

The recall petition shall be returned and filed in the office of the clerk within 20 business-days following the date upon which the clerk issued such petitions; they shall contain the signature of at least twenty percent of the total number of voters duly recorded on the registration list of the clerk as of the most recent preceding town election.

The clerk shall, within seventy-two (72) hours following the filing, submit the petition to the registrars of voters who shall, within five (5) business-days, certify thereon the number of signatures which in fact are names of voters of the town.

Section 3. If the recall petition shall be certified by the registrars of voters to contain the sufficient number of voters, the town clerk shall forthwith submit the petitions to the respective board. Upon its receipt of the certified petitions, the respective board shall, within seventy-two hours, give notice of the recall petitions and the certification thereon to the person whose recall is being sought.

If the officer sought to be recalled does not resign his or her office, in writing to the town clerk, within five business-days following the delivery of the notice, the select board shall order an election to be held not less than sixty-four days, nor more than ninety days, after the date of certification of the sufficiency of the petition by the registrar of voters; but if another town election is to occur within one-hundred days after the date of the certification, the select board may, at their discretion, postpone the holding of the recall election until the date of such other town election.

If a vacancy occurs in the office after a recall election has been ordered, but prior to the date of the recall election, the election shall not proceed.

Section 4. The publication of the warrant for the recall election and the conduct of the election shall be in accordance with the law relative to elections, unless otherwise provided in this act.

Section 5. All ballots used at a recall election shall contain the following propositions in the order indicated.

FOR THE RECALL OF	(NAME OF OFFICER)	()
AGAINST THE RECALL OF	(NAME OF OFFICER)	()

Adjacent to each proposition, there shall be a place to mark a vote.

Section 6. The incumbent shall continue to perform the duties of his or her office until the recall election is held. If not recalled in the election, the incumbent shall continue in office for the remainder of his or her unexpired term, subject to recall as before, except as provided herein.

If the incumbent officer is recalled, he or she shall be deemed removed from office immediately. The remaining members of his or her respective board, consistent with the Town Manager Act, shall have the power to fill the vacancy until the next annual town election, at which the voters shall elect a successor for the remainder of the unexpired term.

Section 7. A recall petition shall not be filed against an officer within six months of the assumption of his or her office. In the case of an officer who has been subjected to a recall election and was not recalled thereby, a subsequent recall petition shall not be filed against the officer until at least six months after the date of the election at which the initial recall was voted upon.

Section 8. A person who has been recalled from an office or who has resigned from an office while recall proceedings were pending, shall not be appointed to any town office within twelve months after the recall or resignation.

Section 9. This act shall take effect upon its passage.

Article 9: Historic District Designation By-law. To see if the Town will vote to designate 42 Summer Street as a single Historic District, or take any other action thereon.

We recommend no change to the existing Historic District Designation By-Law and move that the Town vote to refer this matter for further study as follows: the Town Moderator shall appoint, within thirty (30) days, a Study Committee of no less than five (5) and no more than nine (9) individuals, all of whom shall be residents of the Town of Danvers, and at least one of whom shall be a current member of the Historic District Commission and at least one of whom shall be a current member of the Preservation Commission. The purpose of this Study Committee shall be to review the existing Danvers By-laws, and to make a comprehensive recommendation to the Select Board regarding the preservation of the community's historic structures and buildings, including proposals to amend, if necessary, those By-laws. The Study Committee's recommendation shall be made no later than nine (9) months from the first meeting of the committee.

Article 10: Technology Plan. To see what sum the Town will vote to appropriate for the purchase and installation of hardware and software for telecommunications, computers, and related networking equipment for various Town departments, or take any other action thereon.

*We recommend that the Town vote to appropriate **\$389,446** from **Free Cash** for the purchase and installation of hardware and software for telecommunications, computers, and related networking equipment for various Town departments.*

Article 11: Disaster Recovery. To see what sum the Town will vote to appropriate for the purchase and installation of hardware and software related to disaster recovery and business continuity needs, or take any other action thereon.

*We recommend that the Town vote to appropriate **\$100,000** from **Free Cash** for the purchase and installation of hardware and software related to disaster recovery and business continuity needs.*

Article 12: School Transportation Vehicles. To see what sum the Town will vote to appropriate for the purchase of two (2) 8-passenger 7D certified school vans, or take any other action thereon.

*We recommend that the Town vote to appropriate **\$150,000** from **Free Cash** for the purchase of two (2) 8-passenger 7D certified school vans (\$75,000 each).*

Article 13: Pavement Management & Sidewalk Improvements. To see what sum the Town will vote to appropriate for the implementation of a pavement management program including consulting services, computer programs, crack sealing, sidewalk improvements, and the reconstruction of Town ways and to determine whether this appropriation should be raised by borrowing or otherwise, or take any other action thereon.

*We recommend that the Town vote to appropriate **\$285,000** from **Free Cash** for the implementation of a pavement management program including consulting services, computer programs, crack sealing, sidewalk improvements, and the reconstruction of Town ways.*

Article 14: Roadway Layout & Acceptance of Public Ways. To see if the Town will vote to approve the layout and acceptance plans, to accept certain roads as public ways, and to authorize the Select Board to acquire by gift, purchase, eminent domain taking or otherwise, any fee, easement or other interest in any easement related to such public ways, or take any other action thereon.

We recommend that the Town vote to approve the layout and acceptance plans, to accept certain roads as public ways [Riverview Avenue, Cemetery Road, and Fowler Street], and to authorize the Select Board to acquire by gift, purchase, eminent domain taking or otherwise, any fee, easement or other interest in any easement related to such public ways.

Article 15: Roadway Layout & Acceptance of Public Ways Program. To see what sum the Town will vote to appropriate for the preparation of street layout and acceptance plans and recording fees to accept certain roadways as Public Ways in the Town of Danvers, or take any other action thereon.

*We recommend that the Town vote to appropriate **\$25,000** from **Free Cash** for the preparation of street layout and acceptance plans and recording fees to accept certain roadways as Public Ways in the Town of Danvers.*

Article 16: Landfill Gas Collection System and Flare Station. To see what sum the Town will vote to appropriate for the design, permitting, construction, and engineering services during construction for the replacement of a Landfill Gas Collection and Flare Station (LGCFs) within the Town's Sanitary Landfill, and to determine whether this appropriation shall be made through taxation, transfer of available funds, or otherwise, or take any other action thereon.

We recommend that the vote to appropriate \$337,500 from Free Cash for the design, permitting, construction, and engineering services during construction for the replacement of a Landfill Gas Collection and Flare Station (LGCFs) within the Town's Sanitary Landfill.

Article 17: Maintenance Dredging. To see what sum the Town will vote to appropriate toward the cost of future dredging, including engineering and permitting for Danvers Harbor, or take any other action thereon.

We recommend that the Town vote to appropriate \$20,000 from Free Cash toward the cost of future dredging, including engineering and permitting for Danvers Harbor.

Article 18: Drainage Capital Improvements & Repairs – Adams Street Culvert Replacement. To see what action the Town will take for replacement construction of the culvert on Adams Street and to authorize the Select Board to acquire by purchase, accept as a gift, or take by eminent domain permanent and temporary utility easements in conjunction with the Adams Street culvert replacement, and to determine whether said appropriation should be raised through Sewer Receipts or Sewer Retained Earnings or take any other action thereon.

We recommend that the Town vote to appropriate \$790,000 from Sewer Retained Earnings for replacement construction of the culvert on Adams Street and to authorize the Select Board to acquire by purchase, accept as a gift, or take by eminent domain permanent and temporary utility easements in conjunction with the Adams Street culvert replacement.

Article 19: Sewer Main Replacement – Perkins Road. To see what sum the Town will vote to appropriate for the design, permitting, construction, and services during reconstruction of a gravity sewer main and services for Perkins Road, and to determine whether said appropriation shall be made through Sewer Receipts or Sewer Retained Earnings, or take any other action thereon.

We recommend that the Town vote to appropriate \$350,000 from Sewer Retained Earnings for the design, permitting, construction, and services during reconstruction of a gravity sewer main and services for Perkins Road.

Article 20: Wastewater Facilities Improvements. To see what sum the Town will vote to appropriate for the capital maintenance and extraordinary repairs to the Town's Wastewater Pumping Stations, and to determine whether said appropriation shall be made through Sewer Receipts or Sewer Retained Earnings.

*We recommend that the Town vote to appropriate **\$100,000** from **Sewer Retained Earnings** for the capital maintenance and extraordinary repairs to the Town's Wastewater Pumping Stations.*

Article 21: Summer Street Pump Station. To see what sum the Town will vote to appropriate for the capital maintenance and extraordinary repairs to the Town's Summer Street Wastewater Pumping Station and replacement of the Pumping Station's generator, and to determine whether said appropriation shall be made through Sewer Receipts or Sewer Retained Earnings.

*We recommend that the Town vote to appropriate **\$350,000** from **Sewer Retained Earnings** for the capital maintenance and extraordinary repairs to the Town's Summer Street Wastewater Pumping Station and replacement of the Pumping Station's generator.*

Article 22: Water Main Replacement Program. To see what sum the Town will vote to appropriate for the capital maintenance and extraordinary repairs to the Town's water distribution system for the design, permitting, construction, and services during construction of water mains, and to determine whether said appropriation shall be made through Water Receipts, Water Retained Earnings, borrowing, or otherwise, or take any other action thereon.

*We recommend that the Town vote to vote to appropriate **\$2,900,000** from **Water Retained Earnings** for the capital maintenance and extraordinary repairs to the Town's water distribution system for the design, permitting, construction, and services during construction of water mains.*

Article 23: Water Facilities Improvements – Putnam Lane. To see what sum the Town will vote to appropriate for the construction, capital maintenance, and extraordinary repairs to the Town's Putnam Lane Booster Station, and to determine whether said appropriation shall be made through Water Receipts, Water Retained Earnings, or otherwise, or take any other action thereon.

*We recommend that the Town vote to vote to appropriate **\$140,000** from **Water Retained Earnings** for the construction, capital maintenance, and extraordinary repairs to the Town's Putnam Lane Booster Station.*

Article 24: Wastewater Facilities Improvements – Greenleaf Drive. To see if the Town will vote to authorize the Select Board to acquire by purchase, accept as a gift, or take by eminent domain permanent and temporary easements on 7 College Pond Road, 9 College Pond Road, 40 Summer Street, 44 Summer Street, and 6 Greenleaf Drive in conjunction with the elimination of the Greenleaf Drive Sewer Pumping Station or otherwise, or take any other action thereon.

We recommend that the Town vote to authorize the Select Board to acquire by purchase, accept as a gift, or take by eminent domain permanent and temporary easements on 7 College Pond Road, 9 College Pond Road, 40 Summer Street, 44 Summer Street, and 6 Greenleaf Drive in conjunction with the elimination of the Greenleaf Drive Sewer Pumping Station or otherwise.

Article 25: Mill Pond Dam Safety Inspections. To see what sum the Town will vote to appropriate to conduct Dam Safety & Compliance Inspections for the Mill Pond Dam on Sylvan Street and to determine whether the funds shall be appropriated through Sewer Receipts, Sewer Retained Earnings or otherwise, or take any action thereon.

*We recommend that the Town vote to appropriate **\$7,500** from **Sewer Retained Earnings** to conduct Dam Safety & Compliance Inspections for the Mill Pond Dam on Sylvan Street.*

Article 26: Building Improvements. To see what sum the Town will vote to appropriate for repairs, maintenance, and improvements to Town buildings, including equipment, and to determine whether this appropriation should be raised by borrowing or otherwise, or take any other action thereon.

*We recommend that the Town vote to appropriate **\$501,500** for the repair and maintenance of Town buildings, to be supported by **\$434,000 (Free Cash)**, **\$27,500 (Electric)**, and **\$40,000 (Water Use Mitigation Program [WUMP])**.*

Article 27: Grounds Improvements. To see what sum the Town will vote to appropriate for improvements to and maintenance of Town properties, athletic facilities, playgrounds and equipment, and related costs, including construction, reconstruction, replacement, or purchase of equipment or supplies, and to determine whether this appropriation should be raised by borrowing or otherwise, or take any other action thereon.

*We recommend that the Town vote to appropriate **\$64,500** for improvements to Town parks and properties, to be supported by **\$50,500 (Free Cash)** and **\$14,000 (WUMP)**.*

Article 28: Drainage Maintenance. To see what sum the Town will vote to appropriate for the continuation of the drainage maintenance program including engineering, specifications and bidding documents, materials, equipment, and construction associated with the costs of upgrading and improving the existing drainage throughout the Town, and to determine whether this appropriation should be raised by borrowing or otherwise, or take any other action thereon.

We recommend that the Town vote to appropriate \$25,000 from Sewer Retained Earnings for the continuation of the drainage maintenance program including engineering, specifications and bidding documents, materials, equipment, and construction associated with the costs of upgrading and improving the existing drainage throughout the Town.

Article 29: Drainage Liability. To see if the Town will vote to assume liability in the manner provided by M.G.L. Chapter 91, § 29, for damages that may be incurred by work to be performed by the Massachusetts Department of Transportation, for the improvement, development, maintenance, and protection of tidal and non-tidal rivers and streams, harbors, tidewaters, foreshores, and shores along the public beach, in accordance with M.G.L. Chapter 91, § 11, and authorize the Select Board to execute and deliver a bond of indemnity therefore to the Commonwealth of Massachusetts, or take any other action thereon.

We recommend that the Town vote to assume liability in the manner provided by M.G.L. Chapter 91, § 29, for damages that may be incurred by work to be performed by the Massachusetts Department of Transportation, for the improvement, development, maintenance, and protection of tidal and non-tidal rivers and streams, harbors, tidewaters, foreshores, and shores along the public beach, in accordance with M.G.L. Chapter 91, § 11, and authorize the Select Board to execute and deliver a bond of indemnity therefore to the Commonwealth of Massachusetts.

Article 30: Revolving Fund Accounts. To see if the Town will vote to determine a limit on the total amount which may be expended in Fiscal Year 2024 from each departmental revolving fund established pursuant to M.G.L. C. 44, Chapter 44, Section 53 E ½ under the custody of the Town Treasurer, or take any other action thereon.

We recommend that the Town vote to determine a limit on the total amount which may be expended in Fiscal Year 2024 from each departmental revolving fund established pursuant to M.G.L. C. 44, Chapter 44, Section 53 E ½ under the custody of the Town Treasurer, as follows:

<u>Revolving Fund Account</u>	<u>Expenditures Not to Exceed</u>
Danvers Council on Aging Programming	\$215,000
Transportation Revolving Fund	\$150,000
Waterways Dredging Improvement	\$100,000
Child Care Program	\$940,000
Water Use Mitigation	\$450,000
Preservation	\$10,000
Police K9	\$20,000

Article 31: Electric System Improvements – Northland Substation. To see what sum the Town will vote to appropriate for improvements to the Town’s electric distribution system and to determine whether this appropriation should be raised by borrowing, or take any other action thereon.

*We recommend that the Town appropriate Ten Million Four Hundred Thousand Dollars (\$10,400,000) to pay costs of constructing a new 23kV-4kV substation to replace the existing Northlands Substation, located at 68 Ash Street, adjacent to the Liberty Tree Mall and that to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to **borrow** said amount under and pursuant to G.L. c. 44, §8(8) or any other enabling authority, and to issue bonds or notes of the Town therefor.*

Article 32: Transportation Network. To see what sum the Town will vote to appropriate from the Transportation Network Fund, or take any other action thereon.

*We recommend that the Town vote to appropriate \$11,243.70 from the **Transportation Network Fund** into the Senior and Social Services’ Transportation Revolving Fund.*

Article 33: Citizens Petition Real Estate Payments of PILOT Payments from Beverly Regional Airport Commission. To see if the Town will vote to authorize the Select Board to petition the General Court to permit the Town of Danvers to collect real estate taxes associated with the 170 acres of property and facilities assessed for industrial tax values. This petition requests that the legislation passed by (an Act Relevant to the Beverly Municipal Airport) Article 46 during the 1997 (May 9, 1997) Town Meeting. This action and the provisions shall be vacated. The two Danvers Commissioners has failed the Danvers residents. [reprinted as submitted by Mark Zuberek]

This article is included on the Annual Town Meeting Warrant because a Citizens’ Petition (containing valid signatures from 10 or more registered voters) was delivered to the Town Clerk’s Office and certified prior to the closing of the Warrant on March 24, 2023. On April 4, 2023, by a vote of 3-1, the Select Board advanced this article with an **Unfavorable** recommendation.

We recommend no action.

Article 34: Citizens Petition – Establish Beverly Authority. To see if the Town Meeting will vote to petition the General Court to initiate the conversion of the governance for the Beverly Airport to an Airport Authority. The adjoining communities shall have equal representation on the governing Board. The adjoining communities shall have equal voice in the governance of this Federally owned property. The three adjoining communities Danvers, Wenham, and Beverly shall have equal representation. [reprinted as submitted by Mark Zuberek]

This article is included on the Annual Town Meeting Warrant because a Citizens' Petition (containing valid signatures from 10 or more registered voters) was delivered to the Town Clerk's Office and certified prior to the closing of the Warrant on March 24, 2023. On April 4, 2023, by a vote of 3-1, the Select Board advanced this article with an **Unfavorable** recommendation.

We recommend no action.

Article 35: Citizens Petition – Town Charter/Town Manager Act – Committee to Update & Review. To see if the Town Meeting will vote to authorize the Town Moderator to appoint a Town Charter/Town Manager Act Committee to review and update these documents. Currently, there are no provisions to update and review these long-standing documents on a regular basis. The refresh of these documents shall serve as a periodic update and provide the Town Meeting to assist in the process. The composition of the Review Committee is left to the Moderator. [reprinted as submitted by Mark Zuberek]

This article is included on the Annual Town Meeting Warrant because a Citizens' Petition (containing valid signatures from 10 or more registered voters) was delivered to the Town Clerk's Office and certified prior to the closing of the Warrant on March 24, 2023. On April 4, 2023, by a vote of 3-1, the Select Board advanced this article with **No Recommendation**.

We recommend no action.

Article 36: Special Education Stabilization Fund. To see what sum the Town will vote to appropriate toward the Special Education Reserve Fund, or take any other action thereon.

*We recommend that the Town vote to appropriate **\$600,000** from **Free Cash** toward the Special Education Stabilization Fund.*

Article 37: General Stabilization Fund. To see what sum the Town will vote to appropriate to add to the General Stabilization Fund, pursuant to the provisions of M.G.L. Ch. 40, §5B, or take any other action thereon.

*We recommend that the Town vote to appropriate **\$100,000** from **Free Cash** to add to the General Stabilization Fund, pursuant to the provisions of M.G.L. Ch. 40, §5B.*

Article 38: Debt Stabilization Fund. To see what sum the Town will vote to appropriate to add to the Debt Stabilization Fund, pursuant to the provisions of M.G.L. Chapter 40, § 5B, or take any other action thereon.

We recommend that the Town vote to appropriate \$500,000 from Free Cash to add to the Debt Stabilization Fund, pursuant to the provisions of M.G.L. Chapter 40, § 5B.

Article 39: OPEB Trust Fund. To see what sum the Town will vote to appropriate to add to the post-employment health insurance stabilization fund, pursuant to M.G.L. Chapter 32B, or take any other action thereon.

We recommend that the Town vote to appropriate \$250,000 from Free Cash to add to the post-employment health insurance stabilization fund, pursuant to M.G.L. Chapter 32B.

Article 40: Fiscal 2024 Budget Amendments. To see if the Town will vote to amend the action taken under Article 2 of the 2023 Annual Town Meeting by increasing certain appropriations, by adding certain appropriations, or by reducing certain appropriations, by transfer among accounts or from available funds, or take any other action thereon.

We recommend no action.

Finance Committee

/s/ C.R. Lyons
C.R. Lyons, Chair

/s/ Eric Mitchell
Eric Mitchell, Vice-Chair

/s/ Theodore A. Blake
Theodore A. Blake

/s/ Paul Pawlak, Jr.
Paul Pawlak, Jr.

/s/ Michael R. Landers
Michael R. Landers

/s/ Arthur P. Skarmeas
Arthur P. Skarmeas

/s/ Erin E. MacLachlan
Erin E. MacLachlan

/s/ Walter H. Tipert III

